

SENATE BILL 3179

By Roller

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 6, Part 1, relative to the Tennessee Adult
Protection Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-6-107, is amended by deleting subdivision (a)(1)(A)(4) and substituting instead the following:

(4) The adult and any person to whom the adult is lawfully married, if known and reasonably available, must receive at least forty-eight (48) hours' notice of the hearing, unless for good cause shown, a shorter time is allowed by the court. The adult and the adult's spouse have a right to be present and represented by counsel at the hearing. If the adult is indigent or, in the determination of the judge or chancellor, lacks capacity to waive the right to counsel, then the court shall appoint counsel. If the adult is indigent, court costs and the cost of representation shall be borne by the state; otherwise such costs shall be borne by the adult.

SECTION 2. Tennessee Code Annotated, Section 71-6-107, is amended by designating the existing language of subdivision (a)(1)(A)(6) as (a)(1)(A)(6)(i) and by adding the following:

(ii) If the court's order permits the department, temporary guardian or a person otherwise unauthorized to withdraw money from or freeze any account the adult has in a bank, credit union or other financial institution, the department, temporary guardian or other person shall send a copy of such order to any person who is a co-owner of, or authorized signatory on, such account; provided the address of any such person can reasonably be ascertained. Such notification shall be made within ten (10) days of entry of the order.

(iii) No bank, credit union or other financial institution shall permit the department, temporary guardian or other unauthorized person to withdraw funds from a person's account or freeze a person's account pursuant to this part unless such action has been authorized by a court of competent jurisdiction as provided in this section. Any person attempting to withdraw from or freeze such an account shall provide the bank, credit union or other financial institution with a copy of the court order authorizing such action.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.